

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X

NICOLE STEWART, SHANNON
FITZGERALD, and SUMMER APICELLA,
on behalf of themselves and all others similarly
situated,

Plaintiffs,

-against-

CASE NO.

1:21-cv-01217-MKV

NURTURE, INC.,

Defendant.

----- X

STEPHANIE SOTO, individually and on behalf of
all others similarly situated,

Plaintiff,

-against-

1:21-cv-01271-MKV

NURTURE, INC.,

Defendant.

----- X

NITA JAIN, individually and on behalf
of all others similarly situated,

Plaintiff,

-against-

1:21-cv-01473-MKV

NURTURE, INC. d/b/a Happy Family Brands

Defendant.

----- X

----- X

JODI SMITH, individually and on behalf
of all others similarly situated,

Plaintiff,

-against-

7:21-cv-01534

NURTURE, INC.

Defendant.

----- X

LILLIAN HAMPTON, KELLY MCKEON,
AND JEN MACLEOD, individually and on
behalf of all others similarly situated,

Plaintiffs,

-against-

1:21-cv-01882

NURTURE, INC., d/b/a Happy Family
Organics and Happy Baby Organics,

Defendant.

----- X

[PROPOSED] ORDER

WHEREAS, there are currently five related putative class actions (captioned above) for violations of various state statutes and common law based on the same facts and issues of law, and

WHEREAS, entry of this Order will promote judicial economy, avoid duplicative law and motion and discovery proceedings, and streamline adjudication of related matters.

IT IS HEREBY ORDERED THAT:

1. The above actions are hereby consolidated before the Honorable Mary Kay Vyskocil and shall hereafter be identified as: *In re Nurture Heavy Metals Baby Food Litigation*, Master File No. 1:21-cv-01217 (MKV)).

2. Any other consumer actions now pending or hereafter filed in, or transferred or removed to, this District which arise out of the same facts and claims as alleged in this action shall be consolidated with this action for all purposes if, as, and when the Court is apprised of them. The parties shall notify the Court of any other action which is pending or filed outside of this District which may be related to the subject matter of this action if and when they become aware of such actions.

3. Every pleading in *In re Nurture Heavy Metals Baby Food Litigation*, Master File No. 1:21-cv-01217, shall bear the following caption:

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**In re NURTURE HEAVY
METALS BABY FOOD LITIGATION**)
)
)
)
This Document Relates To:)

4. When a pleading is intended to be applicable to all actions to which this Order is applicable, the words "All Actions" shall appear immediately after the words "This Document Relates to:" in the caption set out above. When a pleading is intended to be applicable only to some, but not all, of such actions, this Court's docket number for each individual action to which the paper is intended to be applicable and the last name of the first-named plaintiff in said action shall appear immediately after the words "This Document Relates to:" in the caption described above.

5. The deadline for the filing of motions in the Related Actions seeking interim lead counsel appointment pursuant to Fed. R. Civ. P. 23(g) is ten (10) business days following the entry

of this Order. The deadline for the filing of a consolidated amended complaint is forty-five (45) days following the entry of an order under Rule 23(g).

IT IS SO ORDERED.

Dated: _____, 2021

HONORABLE MARY KAY VYSKOCIL
UNITED STATES DISTRICT JUDGE